IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 28029 of 2006(J)

PETITIONER:

C. DEVAN, DEEPU NIVAS,
CHIRAKKAD, KUNNATHOORMEDU,
KALMANDAPAM P.O., PALAKKAD DISTRICT.

BY ADV. SRI.GEORGE POONTHOTTAM

RESPONDENTS:

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1. THE BOARD OF DIRECTORS OF
VELIKKAD KSHEEROLPADAKA SAHAKARANA SANGHOM
LTD.NO.P13(D) APCOS, VELIKKAD P.O.,
MUNDOOR, PALAKKAD DISTRICT, REPRESENTED BY
THE PRESIDENT.

2. THE DEPUTY DIRECTOR OF AGRICULTURE,
PALAKKAD

R2 IS CORRECTED AS

THE DEPUTY DIRECTOR, DIARY DEVELOPMENT,
PALAKKAD.
(Corrected as per the order dated 23.11.2006 in I.A.15869/06)

BY SR. GOVERNMENT PLEADER P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).28029/2006

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1- TRUE COPY OF THE SUSPENSION ORDER DATED 24.9.2004

EXT.P2- TRUE COPY OF THE COMMUNICATION GIVEN TO THE PETITIONER DATED 23.11.2005

EXT.P3- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER DATED 26.12.2005

EXT.P4- TRUE COPY OF THE COMMUNICATION DATED 21.7.2006

EXT.P5- TRUE COPY OF THE COMMUNICATION DATED 21.7.2006

EXT.P6- TRUE COPY OF THE APPEAL FILED BY THE PETITIONER DATED 21.8.2006

EXT.P7- TRUE COPY OF THE COMPLAINT GIVEN TO THE 2ND RESPONDENT DATED 26.9.2006.

EXT.P8- TRUE COPY OF THE ADVERTISEMENT GIVEN IN DESHABHIMANI DAILY ON 8.11.2006

EXT.P9- TRUE COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER DATED 10.11.2006.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

W.P.(C). 28029/2006

Dated this 24th day of November, 2006

JUDGMENT

Ext.P3 appeal had been preferred by the writ petitioner under Rule 198(4) of the Kerala Co-operative Societies Rules, 1969, in short 'the Rules'. It was preferred on 26.12.2005. It is submitted that the writ petitioner had not received any information regarding the disposal of Ext.P3 appeal, through which he had challenged his dismissal from service of the first respondent, society.

2. However, the petitioner had placed before me Ext.P4, the communication dated 21.7.2006, in which the Board of Directors had accepted the report of the sub committee, dismissing the petitioner from service of the first respondent. But the same do not reveal that Ext.P3 appeal had been considered on merit, after hearing the contentions of the writ petitioner.

3. The submission of the learned counsel for the

petitioner is that Ext.P4 cannot be considered as the disposal of Ext.P3 appeal and, therefore, prayed that a direction may be given to the Board of Directors of the first respondent, to dispose of Ext.P3 appeal.

4. I heard the Senior Government Pleader for the second respondent. After considering the facts that are placed before me, I direct the first respondent to consider Ext.P3 appeal and pass appropriate orders on merit as per the law, within one month from the date of production of a copy of this judgment, after hearing the writ petitioner.

5. In the light of Ext.P8 “wanted Secretary”, published by the first respondent for appointment of the Secretary to the society, I direct the first respondent not to appoint anyone as Secretary, until a final decision is taken on Ext.P3 appeal, pending before it.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs